

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

WINFIELD T. WILLIS,

*

Plaintiff,

*

vs.

*

Civil Action No.:
(Removed from Circuit Court for Baltimore
City, Case No. 24-C-14-005903)

GREEN TREE SERVICING, LLC,

*

Defendant.

*

* * * * *

NOTICE OF REMOVAL
(FEDERAL QUESTION JURISDICTION)

Defendant Green Tree Servicing, LLC (“Green Tree”), by and through its undersigned counsel, hereby provides Notice pursuant to 28 U.S.C. §§ 1441 and 1446 of its removal of the above-captioned case from the Circuit Court for Baltimore City to the United States District Court for the District of Maryland, Northern Division. Removal is based on 28 U.S.C. § 1331 (federal question) with 28 U.S.C. § 1367 (supplemental jurisdiction). As grounds for removal, Green Tree states the following:

1. On or about October 17, 2014, Plaintiff Winfield T. Willis (“Plaintiff”) commenced this action against Green Tree by filing a Complaint and Demand for Jury Trial in the Circuit Court for Baltimore City (“the State Court Action”). The State Court Action was assigned Case No. 24-C-14-005903. Relevant to this Notice, Plaintiff asserts in the Complaint that Green Tree violated (i) the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2605, (ii) the Consumer Financial Protection Act, 15 U.S.C. §§ 5481, *et seq.* (“CFPA”), and (iii) the Fair Debt Collection Practices Act, 15 U.S.C.

§§ 1692, *et seq.* (“FDCPA”) in connection with Green Tree’s servicing and collection efforts of amounts due and owing on Plaintiff’s mortgage loan.

2. Removal to this Court is proper. Pursuant to 28 U.S.C. §§ 1446(a) and 1441(a), this Notice of Removal is being filed in the United States District Court for the District of Maryland, Northern Division, which is the federal district court embracing the state court where the State Court Action was filed.

3. Removal is timely. Green Tree was served with the Complaint and the original summons on October 28, 2014. This Notice of Removal is being filed with the United States District Court for the District of Maryland, Northern Division on December 1, 2014, within the statutory period set forth in 28 U.S.C. § 1446(b).¹

4. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

5. All procedural requirements have been met.

a. Attached hereto as Exhibit A is a copy of all “process, pleadings and orders served upon” Green Tree and is being filed with the Clerk of the Court contemporaneously with the filing of this Notice of Removal, pursuant to 28 U.S.C. § 1446(a).

¹ The thirtieth day after the date of service of the Complaint and Summons was November 27, 2014 (Thanksgiving Day). The Court was closed on November 27 and November 28 and reopened on December 1, 2014. *See* Fed. R. Civ. P. 6(a)(1)(C) (when computing time to respond, “if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.”)

b. Attached hereto as Exhibit B is a copy of the Notice of Filing of Notice of Removal that Green Tree will file in the Circuit Court for Baltimore City and will promptly serve upon Plaintiff.

6. This Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Pursuant to 28 U.S.C. § 1441(a), “[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a). Additionally, pursuant to 28 U.S.C. § 1441(b), “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be remove without regard to the citizenship or residence of the parties.” 28 U.S.C. § 1441(b).

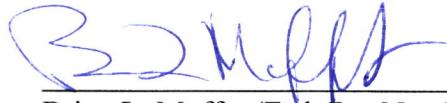
7. Green Tree is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441. Plaintiff’s assertion of claims under the CFPA (Count Two), RESPA (Count Two), and the FDCPA (Counts Ten and Thirteen) renders this suit as one over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331.

8. To the extent the Complaint asserts claims that do not involve the CFPA, RESPA, or the FDCPA, this Court has supplemental jurisdiction over those claims pursuant to 28 U.S.C. §§ 1337(a) and 1441(c).

WHEREFORE, having satisfied all the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including the presence of all jurisdiction requirements established by 28 U.S.C. § 1331, Defendant

Green Tree Servicing, LLC respectfully serves notice that the above-referenced civil action, now pending in the Circuit Court for Baltimore City, Maryland is removed therefrom to the United States District Court for the District of Maryland.

Respectfully submitted,



Brian L. Moffet (Fed. Bar No. 13821)
GORDON FEINBLATT LLC

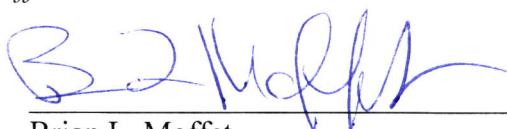
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Email: bmoffet@gfrlaw.com

**Attorneys for Defendant Green Tree Servicing,
LLC**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of December, 2014, a copy of the foregoing Notice of Removal was mailed, first class, postage prepaid to:

Winfield T. Willis
2816 Hillsdale Road
Baltimore, Maryland 21207
Pro Se Plaintiff



Brian L. Moffet